

State of Utah
Administrative Rule Analysis

NOTICE OF CHANGE IN PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-9	Time filed:	
Changed to Admin. Code Ref. (R no.):			

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Noel Taxin	801-530-6621	801-530-6511	ntaxin@utah.gov

(Interested persons may inspect this administrative rule at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline):
	Funeral Service Licensing Act Rules
3.	Type of notice: Change in Proposed Rule
	Changes original proposed rule file no.: 30359
4.	Purpose of the rule or reason for the change:
	During a September 20, 2007 rule hearing, it was brought to the attention of the Division and Funeral Service Board that some wording was accidentally deleted that needed to remain in the rule.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	Yes ___; No XX
6.	Summary of the rule change:
	In Section 605, paragraph (2) originally deleted wording is being added back in to the rule.

7.	Aggregate anticipated cost or savings to:		
	A) State budget:		
	The Division has determined there are no additional costs or savings beyond those identified in the original proposed rule amendment filing as a result of this change in proposed rule.		
	B) Local government:		
	The proposed amendment does not apply to local governments; therefore, no costs or savings are anticipated. The proposed amendments only apply to licensed funeral service establishments, funeral service directors, funeral service interns, and preneed funeral arrangement sales agents and applicants for licensure in those classifications.		
	C) Small businesses (fewer than 50 employees) AND persons other than businesses:		
	The Division has determined there are no additional costs or savings beyond those identified in the original proposed rule amendment filing as a result of this change in proposed rule.		
8.	Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency):		
	The Division has determined there are no additional costs or savings beyond those identified in the original proposed rule amendment filing as a result of this change in proposed rule.		
9.	Comments by the department head on the fiscal impact the rule may have on businesses:		
	This change to proposed rule replaces a provision inadvertently removed in the initial proposed rule change. Thus, no fiscal impact to businesses is anticipated. Francine A. Giani, Executive Director		
10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
	Section 58-9-504 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)		
11.	This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):		
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i> . See Section 63-46a-5 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		12/03/2007
	B) A public hearing (optional) will be held:		
	on (mm/dd/yyyy):	at (time):	At (place):
13.	This rule change may become effective on (mm/dd/yyyy):		12/10/2007
	NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")):		
	funeral industries	licensing	
	funeral directors	preneed funeral arrangements	

15.	Attach an RTF document containing the text of this rule change (filename):	R156-9.cpr
<p>To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i>, and delaying the first possible effective date.</p>		
<p style="text-align: center;">AGENCY AUTHORIZATION</p>		
Agency head or designee, and title:	F. David Stanley, Director	Date (mm/dd/yyyy): 10/11/2007

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R156. Commerce, Occupational and Professional Licensing.

R156-9. Funeral Service Licensing Act Rules.

R156-9-605. Licensure of Persons Selling Preneed Funeral Arrangements to be Funded by Proceeds from Insurance or Annuity Policy.

(1) Any person who sells or represents that they will or intend to sell specific funeral goods or services, represents that goods or services will be provided by a specific funeral establishment, represents that specified amount of money will purchase defined funeral goods or services, or represents that payment for those goods or services to be provided at some future date shall be accomplished through the purchase of a life insurance policy or annuity policy, is engaged in the sale of a preneed funeral arrangement and is required to be licensed as a funeral service establishment or sales agent.

(2) Any person who sells or represents that they will or intend to sell an insurance or annuity policy which will provide a certain benefit at time of death, represents that such benefit will be available to pay for funeral arrangements and no reference is made to specific funeral goods or services, to the cost of specific funeral goods or services, or to the services of a specific funeral service establishment, is not engaged in the sale of a preneed funeral arrangement and is not required to be licensed as a funeral service establishment or preneed sales agent.

(3) Nothing in this section shall be interpreted to affect or modify any requirement under state law regarding licensure of persons engaged in the sale of insurance or annuity policies.

KEY: funeral industries, licensing, funeral directors, preneed funeral arrangements

Date of Enactment or Last Substantive Amendment: 2007

Notice of Continuation: October 31, 2006

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-9-504